S.B. CR.MISC.BAIL APPL.NO.7009/2007.
Meera Kanwar Vs. State
Date of order : 30/10/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Ajay Gupta for the petitioner.
Shri Harshvardhan Nandvana P.P. for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the head injuries which proved fatal to the life of the deceased is attributed to Onkar Singh by all the witnesses whereas, omnibus allegation has been made against the petitioner as also the others namely; Seema Kanwar, Geeta Kanwar, Pushpa Kanwar, Poonam Devi and Ravindra Singh. Except Onkar Singh and petitioner, all others have been left out by the police at the time of filing challan, thereafter, on the basis of the affidavits of the prosecution witnesses that they named them by mistake. Petitioner is mother of six minor children. Challan has already been filed and she is not required to be detained any more for the purpose of investigation. She has not been assigned any specific role. It is argued that she is entitled to be enlarged on bail in view of the benefit of first

proviso to Section 437(1) of the Code of Criminal Procedure, 1973.

Learned Public Prosecutor has opposed the bail application.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments and the fact that petitioner is a woman entitled to benefit of the first proviso to Section 437(1) of the Code of Criminal Procedure, 1973, I deem it appropriate to enlarge her on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is therefore directed that petitioner Meera Kanwar W/o Devi Singh shall be released on bail in F.I.R. No.112/2007 P.S. Thoi, District Sikar for offences under Sections 143, 341, 323, 307 and 302 IPC subject to her furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for her appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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